

**STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD**



FRESNO IRRIGATION DISTRICT EMPLOYEES  
ASSOCIATION,

Charging Party,

v.

FRESNO IRRIGATION DISTRICT,

Respondent.

Case No. SA-CE-29-M

Remand from Court

PERB Decision No. 1565a-M

December 21, 2004

Before Duncan, Chairman; Whitehead and Neima, Members.

**DECISION**

DUNCAN, Chairman: The Public Employment Relations Board (PERB or Board) issued its Fresno Irrigation District (2003) PERB Decision No. 1565-M (Fresno), on December 16, 2003, finding that the Fresno Irrigation District (District) violated Rule 23 of Employer-Employee Relations Policies, California Code of Regulations, title 8, section 32603, and the Meyers-Milias-Brown Act (MMBA)<sup>1</sup> when it denied the District Employees Association the use of District facilities for a meeting in October 2001, failed to meet and confer in good faith over the change in policy regarding the use of District facilities for meetings, and discriminated against the employees for the exercise of protected rights.

The District petitioned for review of Fresno to the California Court of Appeal, Fifth District. The Court of Appeal directed PERB to vacate its December 16, 2003, Fresno decision and issue a new decision dismissing the complaint and the underlying unfair practice charge. Pursuant to the Court of Appeal decision of September 15, 2004, the Board vacates its

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<sup>1</sup>The MMBA is codified at Government Code section 3500, et seq.

prior decision (Fresno) and issues this decision dismissing the complaint and unfair practice charge.

ORDER

Fresno Irrigation District (2003) PERB Decision No. 1565-M is hereby VACATED and the unfair practice charge in Case No. SA-CE-29-M is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members Whitehead and Neima joined in this Decision.